

CALIFORNIA AIR RESOURCES BOARD SIP COMPLETENESS CHECKLIST

*** TO BE COMPLETED BY DISTRICT AND RETURNED TO ARB ***

All rules submitted to EPA as State Implementation Plan (SIP) revisions must be supported by certain information and documentation for the rule packages to be deemed complete for review by EPA. Rules will not be evaluated for approvability by the EPA unless the submittal packages are complete. To assist you in determining that all necessary materials are included in rule packages sent to the ARB for submittal to the EPA, please fill out the following form and include it with the rule package you send us. See the ARB's Guidelines on the Implementation of the EPA's Draft SIP Completeness Policy, October 1989, for a more detailed explanation than is provided here.

District Mojave Desert AQMD Rule No. 403.1 Date Adopted or Amended 11/25/96

Rule Title Fugitive Dust Control for the Searles Valley Planning Area

ADMINISTRATIVE MATERIALS

Not
Attached Attached* N/A

- (X) () () COMPLETE COPY OF THE RULE: Provide an unmarked copy of the entire rule as adopted or amended by your District Board.
- (X) () () UNDERLINE AND STRIKEOUT COPY OF THE RULE: If an amended rule, provide a complete copy of the rule indicating in underline and strikeout format all language which has been added, deleted, or changed since the rule was last adopted or amended.
- () () (X) COMPLETE COPY OF REFERENCED RULE(S): For any rule which includes language specifically referencing another rule, a copy of that other rule must also be submitted, unless it has already been submitted to EPA as a part of a previous SIP submittal.
- (X) () () PUBLIC NOTICE EVIDENCE: Include a copy of the local newspaper clipping certification (s), stating the date of publication, which must be at least 30 days before the hearing. As an alternative, include a copy of the actual published notice of the public hearing as it appeared in the local newspaper(s). In this case, however, enough of the newspaper page must be included to show the date of publication. The notice must specifically identify by title and number each rule adopted or amended.

Attach a separate sheet for each rule explaining why any materials are not included and when they will be submitted to the ARB.

- (X) () () RESOLUTION/MINUTE ORDER: Provide the Board Clerk certified resolution or minute order. This document must include certification that the hearing was held in accordance with the information in the public notice. It must also list the rules that were adopted or amended, the date of the public hearing, and a statement of compliance with California Health & Safety Code §§40725-40728 (Administrative Procedures Act).
- (X) () () PUBLIC COMMENTS AND RESPONSES: Submit copies of written public comments made during the notice period and at the public hearing. Also submit any written responses prepared by the District Staff or presented to the District Board at the public hearing. A summary of the public comments and responses is adequate. If there were no comments made during the notice period or at the hearing, please indicate N/A to the left.
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TECHNICAL MATERIALS

- (X) () () RULE EVALUATION FORM: See instruction for completing the Rule Evaluation Form and the accompanying sample form.
- () () (X) NON-EPA TEST METHOD: Include all test methods referenced in the rule, but not previously submitted to EPA. Provide an explanation of the purpose and principle for the test method and include the following supporting technical data: Describe the test details (number of tests to be carried out, their precision, accuracy, and repeatability); On a technical basis, compare the method with the appropriate EPA/ASTM method; Explain the technical differences of the two methods and how they affect monitoring of the parameters of interest; Explain how the test methods affects the implementation and enforcement of the applicable rule; and Explain the advantages and any potential shortcomings of the test method.
- () () (X) MODELING SUPPORT: Provide, if appropriate. In general, modeling support is not required for VOC and NO_x rules to determine their impacts on ozone levels. Modeling is required where a rule is a relaxation that affects large sources (≥100 TPY) in an attainment area for SO₂, directly emitted PM₁₀, CO, or NO_x (for NO₂ purposes). In cases where EPA is concerned with the impact on air quality of rule revisions which relax limits or cause a shift in emissions patterns in a nonattainment area, a reference back to the approved SIP will be sufficient provided the approved SIP used the current EPA modeling guidelines. If current EPA modeling guidelines were not used, then new modeling may be required.
- (X) () () ECONOMIC AND TECHNICAL JUSTIFICATION FOR DEVIATIONS FROM EPA POLICIES: As appropriate, describe special circumstances (i.e. where alternative RACT is used, extended compliance dates are included, etc.). A completed SIP Approvability Checklist - Enforceability Form will fulfill this requirement.
- (X) () () ADDITIONAL MATERIALS: Provide any other supporting information concerning development of the rule or rule changes, such as staff reports.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
SIP APPROVABILITY CHECKLIST-ENFORCEABILITY**

SIP Package No. _____ Date Rec. _____ Date Due _____
(For USEPA Use Only)

District: Mojave Desert AQMD Rule No.: 403.1 Date Adopted or Amended: November 25, 1996

Rule Title: Fugitive Dust Control for the Searles Valley Planning Area

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
1. Applicability			
a. What sources are being regulated?	Paved and unpaved roads used for industrial activity, construction/demolition activity, industrial fugitive dust, activities on BLM land, and disturbed surface areas on public land.	Clarity	
b. What are criteria for exemption?	Location; the rule only applies to the San Bernardino County portion of the Searles Valley Planning Area (a map is attached to the Rule).	Clarity	
c. Is calculation procedure for exemption clearly specified?	N/A	Example calculation or clear explanation of how to determine exemption (line by line, etc.)	

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
d. Is emission inventory listed in the background document of the attainment demonstration?	Yes	Inventory including allowable and actual emissions in source category should be included, for enforcement purposes and independent of any Clean Air Act requirements, in the attainment demonstration if such data is necessary for determining baselines in regulations.	
e. Is the averaging time(s) used in the rule different from that of the ambient standard?	N/A	The averaging time in the rule must be consistent with protecting the ambient standard in question. Normally, it should be equal to or shorter than the time associated with the standard. Longer term averaging is available only in limited instances provided that the ambient standard is not compromised.	
f. What are the units of compliance (lbs VOC per gallon of solids applied less water, grains per standard cubic foot?)	N/A	Clearly stated in the rule.	

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
<p>g. Is bubbling or averaging of any type allowed? If yes, state criteria. Could a U.S. EPA inspector independently determine if the criteria were met? Does EPA have to approve each case?</p>	No	<p>Explicit description of how averaging, bubbling, or equivalency is to be determined. VOC equivalency must be on a "solids applied" basis. Any method must be independently reproducible. Provision must be explicit as to whether EPA case-by-case approval is required. If provision intended to be "generic" then EPA bubble policy must be met.</p>	
<p>h. If there is a redesignation, will this change the emission limitations? If yes, which ones and how?</p>	No	<p>Sunset Clause? Regulation may not automatically allow for self nullification upon redesignation of area to attainment. New maintenance demonstration required in order to drop regulation.</p>	
<p>2. Compliance Dates</p>			
<p>a. What is the compliance date?</p>	June 22, 1994	<p>Must not be later than approved or about to be approved date of attainment unless emission reductions not necessary for attainment. In some cases, it will be necessary for the regulation to specify dates in compliance schedules that are required to be submitted by source to state.</p>	
<p>b. What is the attainment date?</p>	December 31, 1994		
<p>3. Specificity of Conduct</p>			

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
a. What test method is required?	See Section (F)	Test method must be explicitly stated.	
b. What is the averaging time in compliance test method?	N/A	Averaging time and application of limit must be explicit.	
c. Is a compliance calculation or evaluation required? (i.e., daily weighted average for VOC).	No		
d. If yes to "c", list the formula, period of compliance, and/or evaluation method.	N/A	Formula must be explicit.	
4. Incorporation by Reference			
a. What is state authority for rulemaking?	California Health and Safety Code §§40702, 40725-40728		
b. Are methods/rules incorporated by reference in the right manner.	Yes		
5. Recordkeeping			
a. What records are required to determine compliance?	Records of chemical treatment, cleaning, Dust Control Plans, storage pile records, fly and bottom ash haul truck moisture content, and mechanical sweeping.	Clarity	

Enforceability Analysis	District Response	EPA Requirement	Approvability (Approvable or Not) (For EPA Use Only)
b. In what form or units (lbs/gal, gr/dscf, etc.) must the records be kept? On what time basis (instantaneously, hourly, daily)?	Generally on a biweekly basis.	Records to be kept must be consistent with units of compliance in the performance requirements, including the applicable time period.	
c. Does the rule affirmatively require the records be kept?	Yes	There must be a clear, separately enforceable provision that requires records to be kept.	
6. Exemptions			
a. List any exemptions allowed.	Agricultural operations, residential areas, emergency or endangered species operations, and blasting operations.	Must be clearly defined and distinguishable from what constitutes a violation.	
b. Is the criteria for application clear?	Yes		
7. Malfunction Provisions	N/A	Rule must specify what exceedances may be excused, how the standard is to be applied, and who makes the determination.	

1 RESOLUTION NO. 96- 21

2
3 **A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR**
4 **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE**
5 **NOTICE OF EXEMPTION, ADOPTING PROPOSED AMENDMENTS TO RULE 403.1 -**
6 **FUGITIVE DUST CONTROL FOR THE SEARLES VALLEY PLANNING AREA, AND**
7 **DIRECTING STAFF ACTIONS.**

8 On November 25, 1996, on motion by Member RIORDAN, seconded by
9 Member LOUX, and carried, the following resolution is adopted:

10 **WHEREAS**, the Mojave Desert Air Quality Management District (MDAQMD) has authority
11 pursuant to California Health and Safety Code (H & S Code) §§40702 to adopt, amend or repeal rules
12 and regulations; and

13 **WHEREAS**, the MDAQMD has the primary responsibility for control of air pollution from all
14 sources other than vehicular sources (H & S Code §§39002, 40000); and

15 **WHEREAS**, areas designated nonattainment for PM₁₀ that have subsequently attained the
16 PM₁₀ National Ambient Air Quality Standard are required to have a maintenance plan that contains
17 contingency measures (42 U.S.C. §7505a, Federal Clean Air Act §175A); and

18 **WHEREAS**, MDAQMD is subject to this requirement because on March 25, 1996 the
19 MDAQMD Governing Board adopted the "Attainment Demonstration, Maintenance Plan, and
20 Redesignation Request for the Trona Portion of the Searles Valley PM₁₀ Nonattainment Area," which
21 included a contingency measure in the form of the existing Rule 403.1; and

22 **WHEREAS**, existing Rule 403.1 contains a sunset clause that prevents the contingency
23 measure from being effective after December 31, 1995; and

24 **WHEREAS**, the proposed amendments to Rule 403.1 remove the sunset clause; and

25 **WHEREAS**, adoption and submission of the proposed amendments to Rule 403.1 - *Fugitive*
26 *Dust Control for the Searles Valley Planning Area* to USEPA will satisfy the contingency measure
27 requirement as specified in the maintenance plan; and

28 **WHEREAS**, the proposed Rule is necessary as indicated herein and in the supporting
documentation; and

WHEREAS, the MDAQMD has the authority pursuant to H & S Code §40702 to adopt rules

1 and regulations and is required to adopt these provisions pursuant to 42 U.S.C. §7511a(a)(1)(C)
2 (Federal Clean Air Act §189(a)(1)(C)); and

3 **WHEREAS**, the proposed Rule is clear in that it is written so that the meaning can be easily
4 understood by the persons subject to the rule; and

5 **WHEREAS**, the proposed Rule is consistent because it is in harmony with and not in conflict
6 with or contradictory to existing statutes, court decisions, State or Federal regulations; and

7 **WHEREAS**, the proposed Rule is nonduplicatory in that it does not impose the same
8 requirements as any existing State or federal regulation; and

9 **WHEREAS**, the proposed Rule is properly referenced because the MDAQMD is subject to a
10 federal requirement for implementation of RACM and the proposed Rule satisfies that requirement;
11 and

12 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H & S
13 Code §40725, concerning the proposed amendments to Rule 403.1 - *Fugitive Dust Control for the*
14 *Searles Valley Planning Area*; and

15 **WHEREAS**, the adoption and implementation of the proposed amendments to Rule 403.1 is
16 categorically exempt pursuant to 14 California Code of Regulations §15308; and

17 **WHEREAS**, a Notice of Exemption, Categorical Exemption (Class 8 - 14 CCR §15308) for
18 the proposed amendments to Rule 403.1 - *Fugitive Dust Control for the Searles Valley Planning Area*
19 has been presented to the MDAQMD Board; each member having reviewed, considered and approved
20 the information contained therein prior to acting on the proposed amendments to Rule 403.1; and the
21 MDAQMD Board having determined that the proposed amendments to Rule 403.1 will have no
22 adverse impact on the environment; and

23 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

24 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the MDAQMD
25 finds that the proposed amendments to Rule 403.1 - *Fugitive Dust Control for the Searles Valley*
26 *Planning Area* are necessary, authorized, clear, consistent, nonduplicative and are properly referenced;
27 and

28 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does hereby

1 certify that the finding of Class 8 Categorical Exemption (CCR §15308) applies to the proposed
2 amendments to Rule 403.1 - *Fugitive Dust Control for the Searles Valley Planning Area*; and

3 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does hereby
4 certify the Notice of Exemption for the proposed amendments to Rule 403.1 - *Fugitive Dust Control*
5 for the Searles Valley Planning Area; and

6 **BE IT FURTHER RESOLVED**, that the Governing Board of the MDAQMD does hereby
7 adopt, pursuant to the authority granted by law, proposed amended Rule 403.1 - *Fugitive Dust*
8 *Control for the Searles Valley Planning Area*, as set forth in the attachments to this resolution and
9 incorporated herein by reference; and

10 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon
11 adoption, and that the Clerk of the Board is directed to file the Notice of Exemption in compliance
12 with the provisions of CEQA, and that staff shall forward the appropriate documents to the California
13 Air Resources Board for submission to the United States Environmental Protection Agency as a
14 revision to the SIP.

15 **PASSED, APPROVED and ADOPTED** by the Governing Board of the Mojave Desert Air Quality
16 Management District by the following vote:

17 **AYES:** MEMBER: CRAIN, RIORDAN, JAMES, MIKELS, WARREN, BOWDEN, LOUX,
LOVELESS, WILSON

18 **NOES:** MEMBER:

19 **ABSENT:** MEMBER: SHAVER, TUROCI, ROTHSCHILD, FOSTER

20 **ABSTAIN:** MEMBER:

21 STATE OF CALIFORNIA)

22) } ss:
23 COUNTY OF SAN BERNARDINO)

24 I, Linda Beck, Clerk of the Governing Board of the Mojave Desert Air Quality Management
25 District, hereby certify the foregoing to be a full, true and correct copy of the record of the action as
the same appears in the Official Minutes of said Governing Board at its meeting of November 25,
1996.

26  Clerk of the Governing Board, Mojave Desert Air Quality Management District
27
28

California Air Resources Board APCD/AQMD Rule Evaluation Form

I. GENERAL

District: Mojave Desert AQMD

Date Adopted: 11/25/96

Rule No: Amended 403.1

Rule Title: Fugitive Dust Control for the Searles Valley Planning Area

Date Submitted To ARB: 12/6/96

Date Last Submitted To ARB: 6/30/94

Pollutants Regulated By This Rule (Check):

☐ NOx ☐ SO2 ☒ PM10 ☐ VOC ☐ TAC (Name of TAC) _____

Is this rule intended to be sent to the EPA as a SIP revision? ☒ Yes ☐ No.

SUMMARY OF RULE CHANGES: ☐ New rule ☒ Amended rule

The "trigger" language for the Rule's contingency measure has been modified to make the contingency measure applicable indefinitely. A contingency measure December 31, 1995 sunset clause has been removed. Reference to a failure to make reasonable further progress towards attainment has been removed as a contingency measure trigger, as the area has already attained.

II. NET EFFECT ON EMISSIONS ☐ Increase ☐ Decrease ☒ No change ☐ N/A

Emissions reduction commitment in SIP for this source category: 1099 tons/year

SCC/CES Code(s) Affected: 47365, 47373, 47357, 47423, 83352, 47456 Affected SIC Code(s): 1499, 32

Inventory Year to Calculate Changes in Emissions: 1994

Affected Area: SVPA

Future Year Control Profile Estimate for PM₁₀ emissions:

Tons/Year Reductions Year(increases)	Baseline Tons/year Subject to Rule	Control Level	Percent Control	Control Level	Control Factor
<u>94</u> <u>1099</u> /	<u>2213</u>	=	<u>0.497</u> * 100 = <u>49.7</u> %	1.00 - <u>0.497</u> =	<u>0.503</u>
_____ /	_____	=	_____ * 100 = _____ %	1.00 - _____ =	_____
_____ /	_____	=	_____ * 100 = _____ %	1.00 - _____ =	_____

III. SOURCES/ATTAINMENT STATUS District is: Attainment X Nonattainment Split

Approximate number of minor (<100 TPY) sources controlled by rule: 1 . Percent in nonattainment area: 100 .

Number of major (\geq 100 TPY) sources controlled: 1 . Percent in nonattainment area: 100

Location of Major Sources by City: Community of Trona

IV. EMISSIONS REDUCTION TECHNOLOGY

Does rule include emission limits that are continuous? Yes; X No.

If yes, those limits are in Section(s) of the rule.

Other methods in the rule for achieving emissions reductions are:

V. OTHER REQUIREMENTS The rule contains:

- 1) Emission limits in Section(s) N/A .
 - 2) Work practice standards in Section(s) C .
 - 3) Recordkeeping requirements in Section(s) E .
 - 4) Reporting requirements in Section(s) C & E .
-

VI. IMPACT ON AIR QUALITY PLAN(S) No Impact X Impacts RFP X Impacts Attainment

DISCUSSION: The amendments to Rule 403.1 are required by the Attainment Demonstration, Maintenance Plan and Redesignation Request for the Trona Portion of the Searles Valley Planning Area. The amendments allow the Rule 403.1 contingency measure to serve as the contingency measure for the maintenance plan.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 5

DATE: November 25, 1996

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS TO RULE 403.1 - *FUGITIVE DUST CONTROL FOR THE SEARLES VALLEY PLANNING AREA* AND APPROVAL OF CEQA DOCUMENTATION.

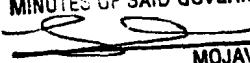
RECOMMENDATION: 1. Conduct a public hearing to consider the adoption of proposed amendments to Rule 403.1 - *Fugitive Dust Control for the Searles Valley Planning Area*; 2. Make a finding of no adverse impact; and 3. Adopt a resolution making appropriate findings, certifying the Notice of Exemption, approving the Rule, and directing staff actions.

BACKGROUND: On March 25, 1996, the MDAQMD Governing Board adopted the Attainment Demonstration and Maintenance Plan for the Trona Portion of the Searles Valley Planning Area. The federal contingency measure requirement was satisfied by employing the contingency measure included in Section H of existing Rule 403.1. Maintenance plans are required to have contingency measures by 42 U.S.C. §7505a(a) (FCAA §175A(a)). The proposed amendments to existing Rule 403.1 ensure that the existing contingency measure in Rule 403.1 is effective indefinitely by removing a "sunset clause" and making other conforming changes. Adoption of the proposed amendments to Rule 403.1 will complete the regulatory requirements for redesignation of the Trona portion of the Searles Valley Planning Area to attainment of the PM₁₀ National Ambient Air Quality Standards. The proposed amendments to Rule 403.1 are required to be submitted as a revision to the State Implementation Plan pursuant to the provisions of 42 U.S.C. §7513(a)(1) (FCAA §189(a)(1)) because Rule 403.1 is the implementation instrument for the Searles Valley Federal PM₁₀ Attainment and Maintenance Plans.

The proposed Amended Rule was made available for public comments on September 17, 1996. The appropriate notices were published in compliance with the 30-day public notice and comment period requirement.

cc: Alan DeSalvio
File: Rules/Regs
Resolutions

I, LINDA BECK, CLERK OF THE
GOVERNING BOARD OF THE MOJAVE DESERT
AIR QUALITY MANAGEMENT DISTRICT, DO HEREBY
CERTIFY THE FOREGOING TO BE A TRUE AND
CORRECT COPY OF THE RECORD OF THE
ACTION AS THE SAME APPEARS IN THE MINUTES OF SAID GOVERNING BOARD MEETING.


CLERK OF THE BOARD
MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT

I, LINDA BECK, CLERK OF THE
GOVERNING BOARD OF THE MOJAVE DESERT
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CLERK OF THE BOARD
MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA
AGENDA ITEM 5**

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MDAQMD has prepared a Notice of Exemption for the amendments to proposed Rule to meet the requirements of California Environmental Quality Act.

REASON FOR RECOMMENDATION: 42 U.S.C. §7410(1), (FCAA §110(1)) requires that all SIP Revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This agenda item was approved as to legal form by Fazle R. Quadri, District Counsel, on November 8, 1996.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Eldon Heaston, Deputy Air Pollution Control Officer

Eldon Heaston presented summary and staff recommendation. Chairman Warren opened public hearing and solicited public comments. None being, Chairman closed public hearing. Board Member Jon Mikels inquired if staff had looked at the proposed U.S. EPA Particulate Matter (PM) standards and how they would affect the District's attainment demonstration. Mr. Heaston stated that staff had looked into the proposed standards for PM 2.5 and concluded that the Trona area would probably be unaffected. Eldon Heaston then clarified a question from Board Member Barbara Loux regarding exceedances due to high winds.

**ACTION OF THE GOVERNING BOARD
APPROVED AND ADOPTED**

Upon Motion by BARBARA RIORDAN, Seconded by BARBARA LOUX, as approved by the following vote:

Ayes: CRAIN, RIORDAN, JAMES, MIKELS, WARREN, BOWDEN, LOUX, LOVELESS, WILSON

Noes:

Absent: SHAVER, TUROCI, ROTHSCHILD, FOSTER

Abstain:

Vacant:

LINDA BECK, CLERK OF THE GOVERNING BOARD

BY 

Dated: NOVEMBER 25, 1996

Ref: RESOLUTION #96-21, titled "A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING PROPOSED AMENDMENTS TO RULE 403.1-FUGITIVE DUST CONTROL FOR THE SEARLES VALLEY PLANNING AREA, AND DIRECTING STAFF ACTIONS".